IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10454 of 2005

Between:

1. Mandadapu Narasimha Rao, S/o. Buchaiah,

Agriculture, resident of Guntupalli gopavaram,

Yerrupalem Mandal, Khammam District.

2. Mandadapu Seetharamaiah, S/o.Buchaiah,

Agriculture, resident of Guntupalli gopavaram,

Yerrupalem Mandal, Khammam District.

3. Mandadapu Satyanarayana, S/o.Buchaiah,

Agriculture, resident of Guntupalli gopavaram,

Yerrupalem Mandal, Khammam District.

4. Mandadapu Nageswara Rao, S/o. Buchaiah,

Agriculture, resident of Guntupalli gopavaram,

Yerrupalem Mandal, Khammam Ddistrict.

..... PETITIONERS

AND

1. The Revenue Divisional Officer-cum-Land Reforms Tribunal,

Khammam, Khammam District.

2. The Mandal Revenue Officer, Yerrupalem Village and Mandal,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or orders and more particularly in the nature of Writ of Mandamus declaring that the acts, deeds and things of the 1st respondent in passing impugned order in C.C.No.2173/MDR/75, dated 10-09-2004 without issuing any notice to the petitioners and not bringing them on record and passing orders after demise of their father inspite of filing Memo dated 28-06-2002, are illegal, arbitrary, against to the principles of natural justice, abusive of process of law and much against to the legal and fundamental rights guaranteed under the constitution of India and consequently set aside the order of the 1st respondent dated 10-09-2004 in C.C.No.2173/MDR/75 and remit back to the 1st respondent and to pass final orders after giving opportunity to the petitioners.

Counsel for the Petitioner :Mr.PALIVELASATYARAJA BABU

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10454 OF 2005

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ORDER :

This writ petition is filed seeking a declaration that the order of the 1st respondent – Revenue Divisional Officer-cum-Land Reforms Tribunal, Khammam in C.C.No.2173/MDR/75, dated 10-09-2004 is arbitrary and illegal.

Though the learned Counsel for the petitioners raised various contentions, I am not

inclined to express any opinion on merits since admittedly against the impugned order a remedy of Appeal is available before the Land Reforms Appellate Tribunal. Hence, if the petitioners are aggrieved, it is for them to work out the remedy of Appeal, but they cannot maintain the writ petition under Article 226 of the Constitution of India. However, the learned Counsel for the petitioners states that the father of the petitioners, who raised a claim before the Land Reforms Tribunal, died pending the said proceedings, however the impugned order was passed without bringing the petitioners on record and without notice to them. If that be so, it is always open to the petitioners to make an appropriate application before the 1st respondent for setting aside the impugned order, in which event the same will be considered in accordance with law.

Accordingly, granting leave and liberty to the petitioners to work out the appropriate remedy as available under law, the Writ Petition is disposed of. No costs.

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29th April, 2005.

Note;- CC in a week.

(B/o)

rns

To

1. The Revenue Divisional Officer-cum-Land Reforms Tribunal,

Khammam, Khammam District.

2. The Mandal Revenue Officer,

Yerrupalem Village and Mandal,

Khammam District.

3. Two CCs to G.P.for Revenue, High Court of A.P.,

Hyderabad.(OUT)

4. Two CD copies